

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 25

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte GEORGE BAXTER

Appeal No. 1995-2811
Application No. 08/164,830¹

ON BRIEF

Before KIMLIN, JOHN D. SMITH and SPIEGEL, Administrative Patent Judges.

KIMLIN, Administrative Patent Judge.

DECISION ON APPEAL

¹ Application for patent filed December 9, 1993. According to appellant, this application is a continuation of Application No. 07/783,623, filed October 24, 1991, now abandoned.

This is an appeal from the final rejection of claims 1-12. Claims 13-24, the other claims remaining in the present application, stand withdrawn from consideration. Claim 1 is illustrative:²

1. A method of printing and assembling multi-sheet carbonless forms from a plurality of cut sheets comprising the steps of, for each form:

a) applying a first strip of an adhesive to a lower surface of a first sheet along and substantially parallel to a marginal edge of said first sheet and a second strip of the adhesive to an upper surface of a second sheet along and substantially parallel to a marginal edge of said second sheet, the first and second strips of adhesive being in substantially vertical alignment when said first and second sheets are in overlying relationship;

b) providing at least one intermediate sheet, said intermediate sheet having a plurality of apertures therein along and substantially parallel to a marginal edge of said intermediate sheet;

c) after steps a) and b), passing said first, second and said at least one intermediate sheet through a non-impact printer; then

d) collating said first, second and at least one intermediate sheet in overlying relationship so as to provide an individual collated form with the first and second adhesive

² Reproduced claim 1 was submitted by appellant in Amendment D (Paper No. 23) in response to a new ground of rejection in the Examiner's Answer. The examiner noted "okay to enter" on the amendment, but the amendment has not been officially entered in the record. We trust that the examiner will have Amendment D entered upon return of this application to the examiner.

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strips and plurality of apertures in vertical alignment; and
then

e) passing the collated form through a sealing device to
thereby activate said first and second strips of adhesive by
mutual contact through the plurality of apertures.

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The examiner relies upon the following references as
evidence of obviousness:

Brenn	2,105,448	Jan. 11, 1938
Russell	4,333,980	Jun. 08, 1982
Wilen	4,824,503	Apr. 25, 1989
Gruttemeyer et al. (Gruttemeyer)	4,938,505	Jul. 03, 1990

Appealed claims 1-9, 11 and 12 stand rejected under
35 U.S.C. § 103 as being unpatentable over Brenn in view of
Gruttemeyer and Wilen. Claim 10 stands rejected under
35 U.S.C. § 103 as being unpatentable over the stated
combination of references further in view of Russell.³

We have carefully reviewed the examiner's rejections in
light of the prior art evidence and the arguments advanced by
appellant and the examiner. In so doing, we are in complete
agreement with appellant that the prior art cited by the
examiner fails to establish a prima facie case of obviousness
for the claimed subject matter. Accordingly, we will not
sustain the examiner's rejections for the reasons set forth in
appellant's principal brief. Since we totally agree with

³ The new ground of rejection of claims 5-9, 11 and 12
under § 103 over Brenn or Australian '161 in view of Wilen has
been withdrawn by the examiner. See the examiner's letter of
November 13, 1998 (Paper No. 24).

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appellant that the deficiencies of Brenn, the primary reference, are not remedied by the teachings of Gruttemeyer, Wilen and Russell, we will not belabor the record with further comment.

For the reasons set forth by appellant, we are constrained to reverse the examiner's rejections.

REVERSED

EDWARD C. KIMLIN)	
Administrative Patent Judge)	
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JOHN D. SMITH)	BOARD OF PATENT
Administrative Patent Judge)	APPEALS AND
)	INTERFERENCES
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)	
CAROL A. SPIEGEL)	
Administrative Patent Judge)	

ECK:clm

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